



# Journal of the House

State of Indiana

121st General Assembly

Second Regular Session

Fourteenth Day

Wednesday Morning

January 29, 2020

The invocation was offered by Reverend Neil Mack of Camby Tabernacle in Indianapolis, a guest of Representative Behning.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Karickhoff.

The Speaker ordered the roll of the House to be called:

Abbott	Jackson
Austin	Jordan
Aylesworth	Judy
Bacon	Karickhoff
Baird	Kirchhofer
Barrett	Klinker
Bartels	Lauer
Bartlett	Lehe
Bauer	Lehman
Beck	Leonard
Behning	Lindauer
Borders	Lucas
Boy	Lyness
T. Brown	Macer
Burton	Manning
Campbell	May
Candelaria Reardon	Mayfield
Carbaugh	McNamara
Cherry	Miller
Chyung	Moed
Clere	Morris
Cook	Morrison
Davisson ☐	Moseley
Deal	Negele
DeLaney	Nisly
DeVon	Pfaff
Dvorak	Pierce
Eberhart ☐	Porter
Ellington	Prescott
Engleman	Pressel
Errington	Pryor
Fleming	Saunders
Forestal	Schaibley
Frye	Shackleford
GiaQuinta	Sherman
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr
Huston	VanNatter

Vermilion  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 114: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 30, 2020, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1008, 1052, 1235 and 1326.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representatives Carbaugh and Lehman:

A CONCURRENT RESOLUTION encouraging education and the use of Safe Haven Baby Boxes in Indiana.

*Whereas, The Indiana General Assembly adopted legislation in the 2017 and 2018 sessions allowing Safe Haven Baby Boxes to be installed at staffed fire stations and hospitals throughout the state;*

*Whereas, Since the installation of the first baby boxes in Indiana, five babies have been safely relinquished in the boxes and the children placed in forever homes;*

*Whereas, Over 5,000 mothers in crisis have been connected to services through the Safe Haven Baby Boxes affiliated hotline;*

*Whereas, 21 Safe Haven Baby Boxes have been installed in cities and towns across Indiana, with more being added each year; and*

*Whereas, Safe Haven Baby Boxes, a not-for-profit organization, has produced an educational video to inform women about the availability of Safe Haven Baby Boxes and its crisis hotline: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly encourages further education of the availability and use of Safe Haven Baby Boxes in Indiana to promote the safe surrender of a newborn baby in accordance with Indiana law.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Monica Kelsey, Founder of Safe Haven Baby Boxes, Inc

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### Senate Concurrent Resolution 22

The Speaker handed down Senate Concurrent Resolution 22, sponsored by Representative Austin:

A CONCURRENT RESOLUTION congratulating Deborah Stapleton on her retirement from the Anderson Museum of Art.

*Whereas, Deborah Stapleton studied at Anderson University, earning a degree in sociology and museology with minors in speech and art;*

*Whereas, After graduation, Deborah took a position with the Montgomery County Historical Society in Dayton, Ohio;*

*Whereas, Deborah later returned to Anderson and began her 39 year career with the Anderson Museum of Art;*

*Whereas, Throughout her career, Deborah oversaw several major projects including moving the location of the museum from Eighth Street to its current location in the Carnegie Building alongside the Anderson Public Library;*

*Whereas, Other accomplishments of Deborah's include programs with local schools like "The Art Lady" where volunteers go into schools to talk about an artist and provide the school with a reproduction of the artist's work for display;*

*Whereas, Deborah brought many exhibits to Anderson including Jacob Lawrence's Harriet Tubman series and an exhibition on cartoonist Charles Schulz;*

*Whereas, Deborah also made it a point to work with and showcase Midwestern and local artists; and*

*Whereas, Deborah has a passion for jewelry making and would like to see profits from her jewelry used to help fund local non-profit organizations: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Deborah Stapleton on her retirement from the Anderson Museum of Art.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Deborah Stapleton.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 1:37 p.m. with the Speaker in the Chair.

### HOUSE BILLS ON SECOND READING

#### House Bill 1005

Representative Schaibley called down House Bill 1005 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1005-5)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 6, line 25, delete "(a)".

Page 6, delete lines 28 through 29.

Page 8, delete lines 39 through 40.

Page 18, delete lines 25 through 42.

Delete page 19.

Page 20, delete lines 1 through 3.

Page 40, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 29. IC 27-8-11-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 13. (a) A fully credentialed provider shall be reimbursed for eligible services provided at any in-network hospital if the following conditions are met:**

**(1) The provider submits the documentation required by the insurer to be loaded under the provider group or hospital.**

**(2) The provider, provider group, or hospital is a network provider with the insurer.**

**(3) The services are provided in accordance with all terms and conditions of the provider's, group provider's, or hospital's agreement or contract with the insurer.**

**(4) Prior authorization is obtained in accordance with IC 27-1-37.5 when required by the insurer for an eligible service.**

**(b) The insurer shall reimburse the provider or hospital for services described in subsection (a) at the rates determined by the contract between the provider and the insurer.**

**(c) An insurer is not required to credential a provider. However, if:**

**(1) a provider is employed by a hospital that is part of the hospital's network that is covered by the insurer; and**

**(2) the provider meets the insurer's credentialing requirements;**

**the insurer shall reimburse the provider for any reimbursable services from the date that the provider was employed by the hospital.**

SECTION 30. IC 27-13-43-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 4. (a) A fully credentialed provider shall be reimbursed for eligible services provided at any in-network hospital if the following conditions are met:**

**(1) The provider submits the documentation required by the health maintenance organization to be loaded under the provider group or hospital.**

**(2) The provider, provider group, or hospital is a network provider with the health maintenance organization.**

**(3) The services are provided in accordance with all terms and conditions of the provider's, group provider's, or hospital's agreement or contract with the health maintenance organization.**

**(4) Prior authorization is obtained in accordance with IC 27-1-37.5 when required by the health maintenance organization for an eligible service.**

**(b) The health maintenance organization shall reimburse the provider or hospital for services described in subsection (a) at the rates determined by the contract between the provider and the health maintenance organization.**

**(c) A health maintenance organization is not required to credential a provider. However, if:**

**(1) a provider is employed by a hospital that is part of the hospital's network that is covered by the health maintenance organization; and**

**(2) the provider meets the health maintenance organization's credentialing requirements;**

**the health maintenance organization shall reimburse the**

provider for any reimbursable services from the date that the provider was employed by the hospital."

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 24, 2020.)

LEHMAN

Motion prevailed.

HOUSE MOTION  
(Amendment 1005-1)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 16-18-2-46.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 46.5. "Canadian supplier", for purposes of IC 16-47-3, has the meaning set forth in IC 16-47-3-1."

Page 7, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 15. IC 16-18-2-294.5, AS AMENDED BY P.L.208-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 294.5. (a) "Program", for purposes of IC 16-40-4, has the meaning set forth in IC 16-40-4-3.

(b) "Program", for purposes of IC 16-41-7.5, has the meaning set forth in IC 16-41-7.5-2.

(c) "Program", for purposes of IC 16-47-1, has the meaning set forth in IC 16-47-1-3.

(d) "Program", for purposes of IC 16-47-3, has the meaning set forth in IC 16-47-3-2."

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 17. IC 16-18-2-353.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 353.3. "Track-and-trace", for purposes of IC 16-47-3, has the meaning set forth in IC 16-47-3-3."

Page 9, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 19. IC 16-18-2-363.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 363.5. "Vendor", for purposes of IC 16-47-3, has the meaning set forth in IC 16-47-3-4."

Page 17, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 24. IC 16-47-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 3. Importation of Prescription Drugs Program**

Sec. 1. As used in this chapter, "Canadian supplier" means a:

- (1) manufacturer;
- (2) wholesale drug distributor; or
- (3) pharmacy;

appropriately licensed or permitted under Canadian law to manufacture, distribute, or dispense prescription drugs.

Sec. 2. As used in this chapter, "program" refers to the importation of prescription drugs program established by section 5 of this chapter.

Sec. 3. As used in this chapter, "track-and-trace" means the product-tracing process for the components of the pharmaceutical distribution supply chain, as described in Title II of the federal Drug Quality and Security Act (21 U.S.C. 351 et seq.).

Sec. 4. As used in this chapter, "vendor" means an entity that contracts with the state department to manage specified functions of the program.

Sec. 5. (a) The importation of prescription drugs program

is established.

(b) The state department shall administer the program.

(c) The state department shall contract with a vendor to provide services under the program. The vendor must comply with the requirements of this chapter.

(d) The state department shall require a bond from the vendor to mitigate the financial consequences of potential acts of malfeasance or misfeasance, potential fraudulent acts, or potential dishonest acts committed by the vendor, an employee of the vendor, or a contractor or subcontractor of the vendor.

(e) Before July 1, 2021, the state department shall apply to the United States Department of Health and Human Services for approval of the program under 21 U.S.C. 384(1). The state department shall implement the program not later than six (6) months after the state department receives approval for the program. The request must include the following:

(1) A description of the state department's plan for operating the program.

(2) A demonstration of how the prescription drugs imported into Indiana under the program will meet the applicable federal and state standards for safety and effectiveness.

(3) A demonstration of how the prescription drugs imported into Indiana under the program will comply with federal track-and-trace procedures.

(4) A list of proposed prescription drugs that have the highest potential for cost savings to the state through importation at the time that the request is submitted.

(5) An estimate of the total cost savings attributable to the program.

(6) The costs of program implementation to the state.

(7) A list of potential Canadian suppliers from which the state would import the prescription drugs and a demonstration that the suppliers are in full compliance with relevant Canadian federal and provincial laws and regulations, as well as all applicable federal and state laws and regulations.

(f) Upon receipt of federal approval of the program, the state department shall notify the following:

(1) The speaker of the house of representatives.

(2) The president pro tempore of the senate.

(3) The members of the health and provider services committee in the senate.

(4) The members of the public health committee in the house of representatives.

(g) Before the start of the general assembly session following receipt of the federal approval, the state department shall submit to the individuals described in subsection (f) a proposal for the implementation of funding of the program.

Sec. 6. (a) Before December 1, 2020, and by December 1 of each subsequent year, the vendor shall develop a wholesale prescription drug importation list identifying the prescription drugs that have the highest potential for cost savings to the state.

(b) In developing the list, the vendor shall consider at least the following in determining whether a prescription drug should be included on the list:

(1) Prescription drugs that, if included on the list, would provide the highest potential for cost savings in state administered programs.

(2) Prescription drugs for which there is a shortage in Indiana or the United States.

(3) Specialty prescription drugs.

(4) High volume prescription drugs.

(c) The state department shall review the wholesale prescription drug importation list at least every three (3) months to ensure that the list continues to meet the requirements of the program. The state department may

direct the vendor to revise the list as necessary.

Sec. 7. (a) The vendor shall identify Canadian suppliers that:

- (1) are in full compliance with:
  - (A) relevant Canadian federal and provincial laws and regulations; and
  - (B) the federal Drug Quality and Security Act;
- (2) have agreed to export prescription drugs identified on the list described in section 6 of this chapter at prices that will provide cost savings to the state; and
- (3) have obtained an international export pharmacy permit under IC 25-26-14.5.

(b) The vendor must verify that the Canadian suppliers meet all of the requirements of the program while meeting or exceeding the federal and state track-and-trace laws and regulations.

(c) The vendor shall:

- (1) contract with an eligible Canadian supplier; or
- (2) facilitate contracts between eligible importers and Canadian suppliers;

to import drugs under the program.

(d) The vendor shall maintain a list of all registered importers that participate in the program.

(e) The vendor shall ensure compliance with Title II of the federal Drug Quality and Security Act by all suppliers, importers, distributors, and participants in the program.

Sec. 8. (a) The vendor shall provide to the state department the following:

- (1) An annual financial audit of the vendor's operations.
- (2) Quarterly financial reports specific to the program, including information on the performance of the vendor and the vendor's subcontractors for the program.

(b) The state department shall determine the format and contents of the reports described in this section.

Sec. 9. (a) A Canadian supplier is eligible to participate in the program if the Canadian supplier meets the following requirements:

- (1) Is in full compliance with relevant Canadian federal and provincial laws and regulations.
- (2) Is identified by the vendor as eligible to participate in the program.
- (3) Submits an attestation that the supplier has a registered agent in the United States, including the name and United States business address of the registered agent.

(b) An importer that meets the requirements of this chapter may import a prescription drug from an eligible Canadian supplier if the following conditions are met:

- (1) The prescription drug meets the United States Food and Drug Administration's standards concerning safety, effectiveness, misbranding, and adulteration.
- (2) The importation of the drug would not violate federal patent laws.
- (3) The importation of the drug is expected to generate cost savings to the state.
- (4) The drug is not any of the following:
  - (A) A controlled substance.
  - (B) A biological product.
  - (C) An infused drug.
  - (D) An intravenously injected drug.
  - (E) A drug that is inhaled during surgery.
  - (F) A drug that is a parenteral drug, the importation of which is determined by the United States Secretary of Health and Human Services to pose a threat to the public health.

Sec. 10. (a) The following entities may import prescription drugs under the program from a Canadian supplier that meets the requirements of this chapter:

- (1) A pharmacist or wholesale drug distributor

employed by or under contract with the state department for distribution to a county health department for dispensing to the patients of the county health department.

(2) A pharmacist or wholesale drug distributor employed by or under contract with a pharmacy that is a Medicaid provider, for dispensing to the pharmacy's Medicaid recipients.

(3) A pharmacist or wholesale drug distributor employed by or under contract with the department of correction, for dispensing to inmates in the custody of the department of correction.

(b) A Canadian supplier that meets the requirements of this chapter and an eligible importer described in subsection (a) that is participating in the program:

- (1) must comply with all track-and-trace requirements; and
- (2) may not distribute, dispense, or sell prescription drugs imported under this program outside Indiana.

Sec. 11. (a) The vendor shall ensure the safety and quality of drugs imported under the program.

(b) The vendor shall do the following:

(1) For an initial imported shipment of a specific drug by an importer, ensure that each batch of the drug in the shipment is statistically sampled and tested for authenticity and degradation in a manner consistent with federal law.

(2) For every subsequent imported shipment of that drug by that importer, ensure that a statistically valid sample of the shipment is tested for authenticity and degradation in a manner consistent with federal law.

(3) Certify that the drug:

- (A) is approved for marketing in the United States and is not adulterated or misbranded; and
- (B) meets all of the labeling requirements under 21 U.S.C. 352.

(4) Maintain qualified laboratory records, including complete data derived from all tests necessary to ensure that the drug is in compliance with the requirements of this section.

(5) Maintain documentation demonstrating that the testing required by this section was conducted at a qualified laboratory in accordance with federal and state laws and regulations governing laboratory qualifications.

(c) All testing required by this section must be conducted in a qualified laboratory that meets the standards under federal and state laws and regulations governing laboratory qualifications for drug testing.

(d) The vendor shall maintain information and documentation submitted under this section for at least seven (7) years.

Sec. 12. An importer participating in the program must submit all of the following information to the vendor concerning drugs provided for the program:

- (1) The name and quantity of the active ingredients of the drug.
- (2) A description of the dosage form of the drug.
- (3) The date on which the drug is received.
- (4) The quantity of the drug that is received.
- (5) The point of origin and destination of the drug.
- (6) The price paid by the importer for the drug.

Sec. 13. (a) A Canadian supplier participating in the program must submit the following information and documentation to the vendor specifying all of the following concerning drugs provided for the program:

- (1) The original source of the drug, including:
  - (A) the name of the manufacturer of the drug;
  - (B) the date on which the drug was manufactured; and
  - (C) the location, including the country, state or

province, and city, where the drug was manufactured.

(2) The date on which the drug is shipped.

(3) The quantity of the drug that is shipped.

(4) The quantity of each lot of the drug originally received and the source of the lot.

(5) The lot or control number and the batch number assigned to the drug by the manufacturer.

(b) The state department may require that the vendor collect additional information from the Canadian supplier that is necessary to ensure the protection of the public health.

**Sec. 14. (a)** The state department shall immediately suspend the importation of a specific drug or the importation of drugs by a specific importer if the state department discovers that any drug or importer activity is in violation of this chapter or any federal or state law or regulation.

(b) The state department may revoke the suspension under subsection (a) of the importation of a specific drug or the importation of drugs by a specific importer if the state department determines that the public is adequately protected from counterfeit or unsafe drugs being imported into Indiana.

**Sec. 15.** Before December 1 of each year, the state department shall submit a report to the governor and the general assembly in an electronic format under IC 5-14-6 on the operation of the program during the previous fiscal year. The report must include at least the following:

(1) A list of the prescription drugs that were imported under the program.

(2) The number of participating persons.

(3) The number of prescriptions dispensed through the program.

(4) The estimated cost savings to the state during the previous fiscal year and to date that are attributable to the program.

(5) A description of the methodology used to determine which drugs should be included on the wholesale prescription drug importation list.

(6) Documentation on how the program ensures the following:

(A) Canadian suppliers participating in the program are of high quality and high performance and in full compliance with relevant:

(i) Canadian federal and provincial laws and regulations; and

(ii) federal and state laws, regulations, and rules.

(B) Prescription drugs imported under the program are not shipped, sold, or dispensed outside Indiana once in the possession of the importer.

(C) Prescription drugs imported under the program are pure, unadulterated, potent, and safe.

(D) The program does not place consumers at a higher health and safety risk than if the consumers did not participate.

(E) The program provides cost savings to the state on imported prescription drugs.

**Sec. 16.** The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter."

Page 24, after line 42, begin a new paragraph and insert:

"SECTION 26. IC 25-26-13-4, AS AMENDED BY P.L.5-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The board may:

(1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;

(2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;

(3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;

(4) regulate the sale of drugs and devices in the state of Indiana;

(5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

(A) has entered into a contract that accepts the return of expired drugs with; or

(B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

**(4) The following concerning the issuance of a permit under IC 25-26-14.5:**

**(A) Inspection report requirements described under IC 25-26-14.5-1.**

**(B) The financial responsibility of entities that hold any permit under IC 25-26-14.5.**

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

- (1) Privacy protection for the practitioner and the practitioner's patient.
  - (2) Security of the electronic transmission.
  - (3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.
  - (4) Use of a practitioner's United States Drug Enforcement Agency registration number.
  - (5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.
- (e) The governor may direct the board to develop:
- (1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and
  - (2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

- (1) A counterfeit protection bar code with human readable representation of the data in the bar code.
- (2) A thermochromic mark on the front and the back of the prescription that:
  - (A) is at least one-fourth (1/4) of one (1) inch in height and width; and
  - (B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

- (1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous years; and
- (2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:

- (1) professional determinations made under IC 35-48-4-14.7(d); and
- (2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board may:

- (1) review professional determinations made by a pharmacist; and
- (2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;

under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.

SECTION 27. IC 25-26-13-29, AS AMENDED BY P.L.209-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. (a) It is unlawful:

- (1) For any person to display or permit to be displayed, a pharmacy permit in any facility or place of business other than that for which it was issued.
- (2) For any person to accept a prescription for filling or compounding at any place or facility for which there is not a valid pharmacy permit.
- (3) For any person to operate a pharmacy or to take, assume, exhibit, display, or advertise by any medium, the title "drugs", "prescriptions", "medicine", "drug store", "pharmacy", or "apothecary shop", or any combination of

such titles or any other title, symbol, term, or description of like import intended to cause the public to believe that it is a pharmacy unless the person holds a valid pharmacy permit.

(4) For any person to engage or offer to engage in the practice of pharmacy or to hold himself or herself out as a pharmacist without a valid pharmacist's license that is classified as active by the board.

(b) A person who violates a provision of subsection (a) commits a Level 6 felony.

(c) Nothing in this chapter shall apply to, nor in any manner interfere with the business of a general merchant in selling and distributing nonnarcotic, nonprescription medicines or drugs which are prepackaged, fully prepared by the manufacturer for use by the consumer, and labeled in accordance with the requirements of the state and federal food and drug acts.

(d) This chapter does not apply to, or in any manner interfere with, the business of a manufacturer in selling and delivering a dialysate drug or a device that is necessary for home peritoneal renal dialysis for a patient who has end stage renal disease if all of the following apply:

- (1) The dialysate drug or device is approved by the federal Food and Drug Administration under federal law.
- (2) The dialysate drug or device is held by the manufacturer, a third party logistics provider, or a wholesale drug distributor in accordance with the requirements of IC 25-26-14.
- (3) The dialysate drug or device is delivered in the manufacturer's original, sealed packaging.
- (4) The dialysate drug or device is delivered only upon:
  - (A) receipt of a physician's prescription by a pharmacy that holds a pharmacy permit under this chapter; and
  - (B) the transmittal of an order from the pharmacy described in clause (A) to the manufacturer, third party logistics provider, or wholesale drug distributor.
- (5) The manufacturer, third party logistics provider, or wholesale drug distributor delivers the dialysate drug or device directly to:
  - (A) the patient or the patient's designee for self-administration of the dialysis therapy; or
  - (B) a health care provider for administration of the dialysis therapy to the patient.

**(e) This chapter does not apply to the purchase of prescription drugs through and in compliance with the importation of prescription drugs program established under IC 16-47-3.**

SECTION 28. IC 25-26-14-17.8, AS AMENDED BY P.L.98-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.8. (a) **This section does not apply to purchase of prescription drugs through and in compliance with the importation of prescription drugs program established under IC 16-47-3.** A wholesale drug distributor licensed under this chapter that purchases legend drugs from a wholesale drug distributor that is not licensed under this chapter shall act with due diligence as required under this section and rules adopted by the board. However, the due diligence requirements of this section do not apply to purchases from an unlicensed wholesale drug distributor that has obtained accreditation through the National Association of Boards of Pharmacy's Verified-Accredited Wholesale Distributors program.

(b) Before the initial purchase of legend drugs from the unlicensed wholesale drug distributor, the licensed wholesale drug distributor shall obtain the following information from the unlicensed wholesale drug distributor:

- (1) A list of states in which the unlicensed wholesale drug distributor is licensed.
- (2) A list of states into which the unlicensed wholesale drug distributor ships legend drugs.
- (3) Copies of all state and federal regulatory licenses and

registrations held by the unlicensed wholesale drug distributor.

(4) The unlicensed wholesale drug distributor's most recent facility inspection reports.

(5) Information regarding general and product liability insurance maintained by the unlicensed wholesale drug distributor, including copies of relevant policies.

(6) A list of other names under which the unlicensed wholesale drug distributor does business or has been previously known.

(7) A list of corporate officers and managerial employees of the unlicensed wholesale drug distributor.

(8) A list of all owners of the unlicensed wholesale drug distributor that own more than ten percent (10%) of the unlicensed wholesale drug distributor, unless the unlicensed wholesale drug distributor is publicly traded.

(9) A list of all disciplinary actions taken against the unlicensed wholesale drug distributor by state and federal agencies.

(10) A description, including the address, dimensions, and other relevant information, of each facility used by the unlicensed wholesale drug distributor for legend drug storage and distribution.

(11) A description of legend drug import and export activities of the unlicensed wholesale drug distributor.

(12) A description of the unlicensed wholesale drug distributor's procedures to ensure compliance with this chapter.

(13) A statement:

(A) as to whether; and

(B) of the identity of each manufacturer for which; the unlicensed wholesale drug distributor is an authorized distributor.

(c) Before the initial purchase of legend drugs from an unlicensed wholesale drug distributor, the licensed wholesale drug distributor shall:

(1) request that the board obtain and consider the results of a national criminal history background check (as defined in IC 10-13-3-12) through the state police department of all individuals associated with the unlicensed wholesale drug distributor as specified for licensure of a wholesale drug distributor under section 16(b) of this chapter; and

(2) verify the unlicensed wholesale drug distributor's status as an authorized distributor, if applicable.

(d) If an unlicensed wholesale drug distributor's facility has not been inspected by the board or the board's agent within three (3) years after a contemplated purchase described in subsection (a), the licensed wholesale drug distributor shall conduct an inspection of the unlicensed wholesale drug distributor's facility:

(1) before the initial purchase of legend drugs from the unlicensed wholesale drug distributor; and

(2) at least once every three (3) years unless the unlicensed wholesale drug distributor's facility has been inspected by the board, or the board's agent, during the same period;

to ensure compliance with applicable laws and regulations relating to the storage and handling of legend drugs. A third party may be engaged to conduct the site inspection on behalf of the licensed wholesale drug distributor.

(e) At least annually, a licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor shall ensure that the unlicensed wholesale drug distributor maintains a record keeping system that meets the requirements of section 17(3) of this chapter.

(f) If a licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor has reason to believe that a legend drug purchased from the unlicensed wholesale drug distributor is misbranded, adulterated, counterfeit, or suspected counterfeit, the licensed wholesale drug distributor shall conduct a for cause authentication of each distribution of the legend drug back to the

manufacturer.

(g) An unlicensed wholesale drug distributor that has engaged in the distribution of a legend drug for which a licensed wholesale drug distributor conducts a for cause authentication under subsection (f) shall provide, upon request, detailed information regarding the distribution of the legend drug, including the:

(1) date of purchase of the legend drug;

(2) lot number of the legend drug;

(3) sales invoice number of the legend drug; and

(4) contact information, including name, address, telephone number, and any electronic mail address of the unlicensed wholesale drug distributor that sold the legend drug.

(h) If a licensed wholesale drug distributor conducts a for cause authentication under subsection (f) and is unable to authenticate each distribution of the legend drug, the licensed wholesale drug distributor shall quarantine the legend drug and report the circumstances to the board and the federal Food and Drug Administration within ten (10) business days after completing the attempted authentication.

(i) If a licensed wholesale drug distributor authenticates the distribution of a legend drug back to the manufacturer under subsection (f), the licensed wholesale drug distributor shall maintain records of the authentication for three (3) years and shall provide the records to the board upon request.

(j) A licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor shall, at least annually, conduct random authentications of required pedigrees on at least ten percent (10%) of sales units of distributions of legend drugs that were purchased from unlicensed wholesale drug distributors.

(k) An unlicensed wholesale drug distributor from which a licensed wholesale drug distributor has purchased legend drugs shall cooperate with the random authentications of pedigrees under this section and provide requested information in a timely manner.

(l) If a wholesale drug distributor conducts a random authentication under subsection (j) and is unable to authenticate each distribution of the legend drug, the wholesale drug distributor shall quarantine the legend drug and report the circumstances to the board and the federal Food and Drug Administration not more than ten (10) business days after completing the attempted authentication.

SECTION 29. IC 25-26-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

#### **Chapter 14.5. International Export Pharmacy Permit and Wholesale Drug Distributor Permit**

**Sec. 1. (a) To participate as an exporter of prescription drugs into Indiana under the importation of prescription drugs program established by IC 16-47-3-5, a pharmacy located outside the United States must meet the following requirements:**

**(1) Hold an international export pharmacy permit issued under this chapter.**

**(2) Maintain at all times an active and unencumbered license or permit to operate a pharmacy:**

**(A) in compliance with the laws and rules of the jurisdiction in which the pharmacy is located and from which the prescription drugs will be exported; and**

**(B) in a country with which the United States has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.**

**(3) Submit an application for an international export pharmacy permit on a form developed and provided**

by the board.

(b) An applicant for an international export pharmacy permit must submit the following to the board with the application required under subsection (a)(3):

(1) Proof of an active and unencumbered license or permit to operate a pharmacy in compliance with the laws and rules of the jurisdiction in which the dispensing facility is located and from which the prescription drugs will be exported.

(2) Documentation demonstrating that the country in which the pharmacy operates has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

(3) The location, names, and title of all principal corporate officers and the pharmacist who serves as the prescription department manager for prescription drugs exported into Indiana under the importation of prescription drugs program.

(4) A written attestation by an owner or officer of the applicant and by the applicant's prescription drug manager containing the following affirmations:

(A) That the individual has read and understands the laws and rules governing the manufacture, distribution, and dispensing of prescription drugs in Indiana.

(B) That prescription drugs shipped, mailed, or delivered into Indiana:

(i) will meet or exceed Indiana's standards for safety and efficacy; and

(ii) will not have been, and may not be, manufactured or distributed in violation of the laws and rules of the jurisdiction in which the applicant is located and from which the prescription drugs will be exported.

(5) A current inspection report from an inspection conducted by the regulatory or licensing agency of the jurisdiction in which the applicant is located. The inspection report must reflect compliance with this section. An inspection report is current if the inspection was conducted not earlier than six (6) months before the submission of the application for an initial permit or not earlier than one (1) year for the renewal of a permit.

(c) If an applicant is not able to submit an inspection report that meets the requirements of subsection (b)(5), the board must do one (1) of the following:

(1) Conduct, or contract with a person to conduct, an onsite inspection at the cost of the applicant.

(2) Accept a current inspection report from an entity that:

(A) meets requirements adopted by the board under IC 4-22-2 for entities to perform inspections; and

(B) has been approved by the board.

(3) Accept a current inspection report from the United States Food and Drug Administration conducted under the federal Drug Quality and Security Act.

**Sec. 2.** To participate as an exporter of prescription drugs into Indiana under the importation of prescription drugs program established by IC 16-47-3, a nonresident prescription drug manufacturer located outside the United States must register with the board and obtain the international export pharmacy permit under this chapter.

**Sec. 3.** (a) The board shall adopt rules under IC 4-22-2 governing the financial responsibility of a pharmacy that holds a permit under this chapter. The rules must include at least the following:

(1) Financial reporting requirements.

(2) Standards for financial capability to perform the

functions governed by the permit.

(3) Requirements for ensuring that the permit holder and the permit holder's contractors can be held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest acts committed by the permit holder or the permit holder's contractors.

(b) The board shall adopt rules under IC 4-22-2 concerning inspection report requirements described in section 1 of this chapter.

**Sec. 4.** (a) A wholesale drug distributor located outside the United States must obtain an international prescription drug wholesale drug distributor permit under this chapter to engage in the wholesale exportation and distribution of prescription drugs in Indiana under the importation of prescription drugs program established by IC 16-47-3-5.

(b) A wholesale drug distributor must meet the following in order to obtain a wholesale drug distributor permit:

(1) Be licensed or permitted to operate in a country with which the United States has:

(A) a current mutual recognition agreement;

(B) a current cooperation agreement;

(C) a current memorandum of understanding; or

(D) another federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

(2) Maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with the laws and rules of the jurisdiction in which the wholesale drug distributor operates.

(c) The board shall adopt rules under IC 4-22-2 governing the financial responsibility of a wholesale drug distributor that holds a permit under this chapter. The rules must include at least the following:

(1) Financial reporting requirements.

(2) Standards for financial capability to perform the functions governed by the permit.

(3) Requirements for ensuring that a wholesale drug distributor holding a permit under this chapter and the wholesale drug distributor's contractors are held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest acts committed by the permit holder or the permit holder's contractors."

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 24, 2020.)

HATFIELD

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 115: yeas 49, nays 44. Motion prevailed. The bill was ordered engrossed.

Pursuant to House Rule 143, the author of House Bill 1043, Representative Davisson, granted consent to the coauthor, Representative Bartels, to call the bill down for second reading.

### House Bill 1043

Representative Davisson, granted consent to the cosponsor, Representative Bartels, to call the bill down for second reading. Representative Bartels called down House Bill 1043 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1043-1)

Mr. Speaker: I move that House Bill 1043 be amended to read as follows:

Page 7, line 35, delete "officer;" and insert "officer **who is less than forty (40) years of age;**"

Page 7, line 36, delete "firefighter;" and insert "firefighter **who is less than thirty-six (36) years of age;**"

Page 7, line 37, strike "who is less than".



Page 7, line 37, delete "forty (40)".

Page 7, line 37, strike "years of age and".

(Reference is to HB 1043 as printed January 27, 2020.)

BARTELS

Motion prevailed. The bill was ordered engrossed.

Representatives Judy and Wesco, who had been present, are now excused.

### House Bill 1063

Representative Goodrich called down House Bill 1063 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1063-1)

Mr. Speaker: I move that House Bill 1063 be amended to read as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 5. IC 36-8-8-0.1, AS ADDED BY P.L.220-2011, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The addition of section 20 of this chapter by P.L.223-1986 applies only to fund members who die after March 10, 1986.

(2) The amendments made to section 10 of this chapter by P.L.232-1997 apply only to members of the 1977 fund who initially:

(A) become fifty-five (55) years of age; or

(B) retire;

after June 30, 1997.

(3) The amendments made to section 16 of this chapter by P.L.28-2008 apply only to benefits payable with respect to a member of the 1977 police officers' and firefighters' pension and disability fund who dies after June 30, 2008.

(4) The amendments made to sections 12 and 13.5 of this chapter by P.L.32-2009 and by P.L.34-2009 apply to a member of the 1977 police officers' and firefighters' pension and disability fund who:

(A) after June 30, 2009, receives a benefit based on a determination that the member has a Class 1 or Class 2 impairment, regardless of whether the determination was made before, on, or after June 30, 2009; and

(B) before July 1, 2009, has not had the member's disability benefit recalculated under section 13.5 of this chapter (as the section read before amendment by P.L.32-2009 and by P.L.34-2009).

**(5) The amendments made to section 8.3 of this chapter by the 2020 regular session of the general assembly apply to members of the 1977 fund who initially retire after June 30, 2020.**

SECTION 6. IC 36-8-8-8.3, AS AMENDED BY P.L.8-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.3. (a) This section applies to a fund member who, after June 30, 2009, completes service for which the 1977 fund gives credit.

(b) A fund member may purchase and claim not more than ~~two (2)~~ **four (4)** years of service credit for the fund member's service on active duty in the armed services if the fund member meets the following conditions:

(1) The fund member has at least one (1) year of credited service in the fund.

(2) The fund member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The fund member receives an honorable discharge from the armed services.

(4) Before the fund member retires, the fund member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the

following:

(i) The salary of a first class patrolman or firefighter at the time the fund member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the 1977 fund, that is based on the age of the fund member at the time the fund member actually makes a contribution for service credit and that is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.

(iii) The number of years of service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(c) ~~A fund member member's years of service must have at least equal or exceed twenty (20) years of service before a fund member may receive a benefit based on a~~ **with the inclusion of the service credit purchased under this section before the fund member may receive a benefit.** A fund member's years of service may not exceed thirty-two (32) years with the inclusion of the service credit purchased under this section.

(d) A fund member may not receive service credit under this section:

(1) for service credit received under IC 36-8-5-7; or

(2) if the military service for which the fund member requests credit also qualifies the fund member for a benefit in a military or another **Indiana** governmental retirement system.

(e) A fund member who:

(1) terminates service before satisfying the eligibility requirements necessary to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the fund a properly completed application for a refund.

(f) The following apply to the purchase of service credit under this section:

(1) The system board may allow a fund member to make periodic payments of the contributions required for the purchase of the service credit. The system board shall determine the length of the period during which the payments must be made.

(2) The system board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required for the purchase of the service credit.

(g) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described

in Section 408(a) or 408(b) of the Internal Revenue Code.

(h) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 7. IC 36-8-8-10, AS AMENDED BY P.L.127-2017, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) **Except as otherwise provided in section 8.3(c) of this chapter**, a fund member is eligible for retirement after the member has completed twenty (20) years of active service.

(b) Unless the member is receiving benefits under subsection (c), unreduced benefits to a retired fund member begin the date:

(1) the fund member becomes fifty-two (52) years of age; or

(2) on which the fund member retires;

whichever is later. Benefit payments to a retired fund member under this subsection begin on the first day of the month on or after the date the member reaches fifty-two (52) years of age or on which the member retires, whichever is later.

(c) A retired member may elect to receive actuarially reduced benefits that begin the date:

(1) the fund member becomes fifty (50) years of age; or

(2) on which the fund member retires;

whichever is later. Benefit payments to a retired fund member under this subsection begin on the first day of the month on or after the day the member reaches fifty (50) years of age or on which the member retires, whichever is later.

(d) If a fund member:

(1) becomes fifty-two (52) years of age in the case of unreduced benefits or fifty (50) years of age in the case of reduced benefits; or

(2) retires on a date other than on the first day of the month;

the amount due the fund member for the initial partial monthly benefit

is payable together with the regular monthly benefit on the first of the month following the date the fund member becomes fifty-two (52) or fifty (50) years of age, respectively, or retires, whichever is later."

Renumber all SECTIONS consecutively.

(Reference is to HB 1063 as printed January 27, 2020.)

GOODIN

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 116: yeas 37, nays 57. Motion failed. The bill was ordered engrossed.

## House Bill 1065

Representative Thompson called down House Bill 1065 for second reading. The bill was read a second time by title.

### HOUSE MOTION

(Amendment 1065-1)

Mr. Speaker: I move that House Bill 1065 be amended to read as follows:

Page 2, delete lines 38 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1065 as printed January 27, 2020.)

PORTER

Upon request of Representatives Porter and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 117: yeas 33, nays 60. Motion failed.

### HOUSE MOTION (Amendment 1065-2)

Mr. Speaker: I move that House Bill 1065 be amended to read as follows:

Page 2, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 2. IC 6-3.6-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. (a) This section applies to a county in which the county adopting body is a local income tax council.**

**(b) Before January 1, 2024, the voting procedure in effect in each county is the traditional local income tax council voting procedure. The traditional local income tax council voting procedure for the adoption of ordinances remains in effect in the county unless and until the local income tax council changes its voting procedure under subsection (c).**

**(c) After December 31, 2023, a local income tax council may adopt an ordinance to change its voting procedure:**

**(1) from the traditional local income tax voting procedure to the alternative local income tax voting procedure, if the traditional local income tax voting procedure is in effect in the county; or**

**(2) from the alternative local income tax voting procedure to the traditional local income tax voting procedure, if the alternative local income tax voting procedure is in effect in the county;**

**by using the voting procedure that is in effect in the county at the time the ordinance to change the voting procedure is proposed.**

SECTION 3. IC 6-3.6-3-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The auditor of a county shall record all votes taken on ordinances presented for a vote under this article and not more than ten (10) days after the vote, send a certified copy of the results to:

(1) the commissioner of the department of state revenue; and

(2) the commissioner of the department of local government finance;

in an electronic format approved by the commissioner of the department of local government finance.

(b) This subsection applies only to a county ~~that has in~~ **which:**

**(1) the county adopting body is a local income tax council; and**

**(2) the traditional local income tax council voting procedure is in effect in the county.**

The county auditor may cease sending certified copies after the county auditor sends a certified copy of results showing that members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance.

**(c) This subsection applies only to a county in which:**

**(1) the county adopting body is a local income tax council; and**

**(2) the alternative local income tax council voting procedure is in effect in the county.**

The county auditor may cease sending certified copies after the county auditor sends a certified copy of results showing that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council voting as a whole under section 15 of this chapter for or against the proposed ordinance.

SECTION 4. IC 6-3.6-3-6, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council;  
and

**(2) the traditional local income tax council voting procedure is in effect in the county.**

(b) In the case of a city or town that lies within more than one (1) county, the county auditor of each county shall base the allocations required by subsection (c) on the population of that part of the city or town that lies within the county for which the allocations are being made.

(c) Each local income tax council has a total of one hundred (100) votes. Each member of a local income tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county. On or before January 1 of each year, the county auditor shall certify to each member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each member has for that year.

SECTION 5. IC 6-3.6-3-7, AS AMENDED BY P.L.247-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council;  
and

**(2) the traditional local income tax council voting procedure is in effect in the county.**

(b) Before a member of the local income tax council may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held.

(c) The notice required by subsection (b) must be given in accordance with IC 5-3-1 and include the proposed ordinance or resolution to propose an ordinance.

(d) In addition to the notice required by subsection (b), the adopting body shall also provide a copy of the notice to all taxing units in the county at least ten (10) days before the public hearing.

SECTION 6. IC 6-3.6-3-8, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council;  
and

**(2) the traditional local income tax council voting procedure is in effect in the county.**

(b) Any member of a local income tax council may present an ordinance for passage. To do so, the member must adopt a resolution to propose the ordinance to the local income tax council and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat any proposed ordinance distributed to the auditor under this section as a casting of all that member's votes in favor of the proposed ordinance.

(c) The county auditor shall deliver copies of a proposed ordinance the auditor receives to all members of the local income tax council within ten (10) days after receipt. Subject to subsection (d), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt.

(d) If, before the elapse of thirty (30) days after receipt of a proposed ordinance, the county auditor notifies the member that the members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance, the member need not vote on the proposed ordinance.

SECTION 7. IC 6-3.6-3-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council;  
and

**(2) the traditional local income tax council voting procedure is in effect in the county.**

(b) A member of the local income tax council may exercise its votes by passing a resolution and transmitting the resolution to the county auditor.

(c) A resolution passed by a member of the local income tax council exercises all votes of the member on the proposed ordinance, and those votes may not be changed during the year.

SECTION 8. IC 6-3.6-3-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council;  
and

**(2) the traditional local income tax council voting procedure is in effect in the county.**

(b) A local income tax council may pass only one (1) ordinance adopting, increasing, decreasing, or rescinding a tax in one (1) year. Once the ordinance has been passed, the county auditor shall:

(1) cease distributing those types of proposed ordinances for the rest of the year; and

(2) withdraw from the membership any other of those types of proposed ordinances.

Any votes subsequently received by the county auditor on those types of proposed ordinances during that same year are void.

(c) The local income tax council may not vote on, nor may the county auditor distribute to the members of the local income tax council, any proposed ordinance during a year, if previously during that same year the county auditor received and distributed to the members of the local income tax council a proposed ordinance whose passage would have substantially the same effect.

SECTION 9. IC 6-3.6-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) This section applies to a county in which:

(1) the county adopting body is a local income tax council; and

**(2) the alternative local income tax council voting procedure is in effect in county.**

(b) In the case of a city or town that lies within more than one (1) county, the county auditor of each county shall base the allocations required by subsection (c) on the population of that part of the city or town that lies within the county for which the allocations are being made.

(c) Each local income tax council has a total of one hundred (100) votes.

(d) Each county, city, or town that is a member of a local income tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county.

(e) Each individual who sits on the fiscal body of a county, city, or town that is a member of the local income tax council is allocated for a year the number of votes equal to the total number of votes allocated to the particular county, city, or town under subsection (d) divided by the number of members on the fiscal body of the county, city, or town.

(f) On or before January 1 of each year, the county auditor shall certify to each individual who sits on the fiscal body of each county, city, or town that is a member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each individual has for that year.

SECTION 10. IC 6-3.6-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) This section applies to a county in which:

- (1) the county adopting body is a local income tax council; and
- (2) the alternative local income tax council voting procedure is in effect in the county.

(b) Before a member of the local income tax council may propose an ordinance under section 14(b) of this chapter, or vote on a proposed ordinance being considered by the local income tax council as a whole under section 15 of this chapter, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held.

(c) The notice required by subsection (b) must be given in accordance with IC 5-3-1 and include the proposed ordinance or resolution to propose an ordinance.

(d) In addition to the notice required by subsection (b), the adopting body shall also provide a copy of the notice to all taxing units in the county at least ten (10) days before the public hearing.

SECTION 11. IC 6-3.6-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) This section applies to a county in which:

- (1) the county adopting body is a local income tax council; and
- (2) the alternative local income tax council voting procedure is in effect in the county.

(b) The fiscal body of any county, city, or town that is a member of a local income tax council may adopt a resolution to propose an ordinance to be voted on by the local income tax council as a whole under section 15 of this chapter and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat the vote tally on the resolution adopted under this section for each individual who is a member of the fiscal body of the county, city, or town as the voting record for that individual either for or against the ordinance being proposed for consideration by the local income tax council as a whole under section 15 of this chapter.

(c) The county auditor shall deliver copies of a proposed ordinance the auditor receives under subsection (b) to the fiscal officers of all members of the local income tax council (other than the member proposing the ordinance under subsection (b)) within ten (10) days after receipt. Subject to subsection (e), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt.

(d) The fiscal body of each county, city, or town voting on a resolution to propose an ordinance under subsection (b), or voting on a proposed ordinance being considered by the local income tax council as a whole under section 15 of this chapter, must take a roll call vote on the resolution or the proposed ordinance. If an individual who sits on the fiscal body is absent from the meeting in which a vote is taken or abstains from voting on the resolution or proposed ordinance, the fiscal officer of the county, city, or town shall nevertheless consider that individual's vote as a "no" vote against the resolution or the proposed ordinance being considered, whichever is applicable, for purposes of the vote tally under this section and shall note on the vote tally that the individual's "no" vote is due to absence or abstention. The fiscal body of each county, city, or town shall certify the

roll call vote on a resolution or a proposed ordinance, either for or against, to the county auditor as set forth under this chapter.

(e) If, before the elapse of thirty (30) days after receipt of a proposed ordinance, the county auditor notifies the member that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance voting as a whole under section 15 of this chapter, the member need not vote on the proposed ordinance.

SECTION 12. IC 6-3.6-3-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) This section applies to a county in which:

- (1) the county adopting body is a local income tax council; and
- (2) the alternative local income tax council voting procedure is in effect in the county.

(b) A local income tax council must vote as a whole to exercise its authority under this article.

(c) A resolution passed by the fiscal body of a county, city, or town that is a member of the local income tax council exercises the vote of each individual who sits on the fiscal body of the county, city, or town on the proposed ordinance, and the individual's vote may not be changed during the year.

SECTION 13. IC 6-3.6-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) This section applies to a county in which:

- (1) the county adopting body is a local income tax council; and
- (2) the alternative local income tax council voting procedure is in effect in the county.

(b) A local income tax council may pass only one (1) ordinance adopting, increasing, decreasing, or rescinding a tax in one (1) year. Once the ordinance has been passed, the county auditor shall:

- (1) cease distributing those types of proposed ordinances for the rest of the year; and
- (2) withdraw from the membership any other of those types of proposed ordinances.

Any votes subsequently received by the county auditor on those types of proposed ordinances during that same year are void.

(c) The local income tax council may not vote on, nor may the county auditor distribute to the members of the local income tax council, any proposed ordinance during a year, if previously during that same year the county auditor received and distributed to the members of the local income tax council a proposed ordinance whose passage would have substantially the same effect."

Delete pages 3 through 5.

Page 6, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1065 as printed January 27, 2020.)

PORTER

Motion failed. The bill was ordered engrossed.

## House Bill 1108

Representative Lehman called down House Bill 1108 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1108-1)

Mr. Speaker: I move that House Bill 1108 be amended to read as follows:

Page 18, after line 21, begin a new paragraph and insert:

"SECTION 15. IC 20-51-4-3, AS AMENDED BY P.L.106-2016, SECTION 16, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

(1) apply for; or

(2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The ~~department state board of accounts~~ shall, ~~make random visits to at least five percent (5%) of eligible schools during a particular school year on the same examination schedule for school corporations under IC 5-11-1-25(d), conduct examinations of eligible schools~~ to verify that the eligible school ~~complies~~ **schools comply** with the provisions of this chapter ~~and the Constitutions of the State of Indiana and the United States, related to eligibility for choice scholarships. The rules regarding cost that apply to examinations of school corporations will apply to the cost of examinations conducted under this subsection.~~

(e) Each eligible school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications."

Renumber all SECTIONS consecutively.

(Reference is to HB 1108 as printed January 27, 2020.)

PORTER

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 118: yeas 32, nays 61. Motion failed. The bill was ordered engrossed.

## House Bill 1111

Representative Leonard called down House Bill 1111 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1111-1)

Mr. Speaker: I move that House Bill 1111 be amended to read as follows:

Page 7, after line 16, begin a new paragraph and insert:

"SECTION 4. IC 22-4-12-2, AS AMENDED BY P.L.2-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "prior average weekly wage" means the result of:

(1) the individual's total wage credits during the individual's base period; divided by

(2) fifty-two (52).

(~~a~~) (b) With respect to initial claims filed for any week beginning on and after July 1, 1997, and before July 1, 2012, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first two thousand dollars (\$2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(~~b~~) (c) With respect to initial claims filed for any week beginning on and after July 1, 2012, **and before July 1, 2020**, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to forty-seven percent (47%) of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar (\$1)) to the next lower dollar. However, the maximum weekly benefit amount may not exceed three hundred ninety dollars (\$390).

(c) For purposes of this section, "prior average weekly wage" means the result of:

(1) the individual's total wage credits during the individual's base period; divided by

(2) ~~fifty-two (52)~~.

(d) With respect to initial claims filed for any week beginning on and after July 1, 2020, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to:

(1) the lesser of:

(A) forty-seven percent (47%) of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar (\$1)) to the next lower dollar; or

(B) three hundred ninety dollars (\$390); plus

(2) the lesser of:

(A) twenty-five dollars (\$25) for each of the eligible individual's dependents; or

(B) one hundred dollars (\$100).

However, under subdivision (2), an individual who qualifies as a dependent of more than one (1) eligible individual for any week may be claimed by only one (1) of the eligible individuals for the week. The maximum weekly benefit amount may not exceed the sum of the amounts specified in subdivisions (1)(B) and (2)(B)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 27, 2020.)

BECK

Upon request of Representatives Torr and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 119: yeas 33, nays 63. Motion failed.

HOUSE MOTION  
(Amendment 1111-2)

Mr. Speaker: I move that House Bill 1111 be amended to read as follows:

Page 7, after line 16, begin a new paragraph and insert:

"SECTION 4. IC 22-4-12-2, AS AMENDED BY P.L.2-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "prior average weekly wage" means:

(1) with respect to initial claims filed for any week beginning on or after July 1, 2012, and before July 1, 2020, the result of:

(A) the individual's total wage credits during the individual's base period; divided by

(B) fifty-two (52); or

(2) with respect to initial claims filed for any week beginning on or after July 1, 2020, the result of:

(A) the individual's wage credits during the calendar quarter of individual's base period in which the individual's wage credits were highest;

divided by  
(B) thirteen (13).

(a) (b) With respect to initial claims filed for any week beginning on and after July 1, 1997, and before July 1, 2012, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

- (1) five percent (5%) of the first two thousand dollars (\$2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and
- (2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(b) (c) With respect to initial claims filed for any week beginning on and after July 1, 2012, **and before July 1, 2020**, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to forty-seven percent (47%) of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar (\$1)) to the next lower dollar. However, the maximum weekly benefit amount may not exceed three hundred ninety dollars (\$390).

(c) For purposes of this section, "prior average weekly wage" means the result of:

- (1) the individual's total wage credits during the individual's base period; divided by
- (2) fifty-two (52);

(d) With respect to initial claims filed for any week beginning on and after July 1, 2020, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to the lesser of:

- (1) fifty percent (50%) of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar (\$1)) to the next lower dollar; or
- (2) a maximum weekly benefit of four hundred forty dollars (\$440)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 27, 2020.)

MOSELEY

Upon request of Representatives Karickhoff and Torr, the Speaker ordered the roll of the House to be called. Roll Call 120: yeas 33, nays 63. Motion failed. The bill was ordered engrossed.

## House Bill 1113

Representative Leonard called down House Bill 1113 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1113-3)

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 6, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-4-42, AS ADDED BY P.L.182-2009(ss), SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 42. (a) This section applies to assessment dates after January 15, 2010.

(b) ~~As used in~~ **The following definitions apply throughout this section:**

- (1) "Golf course" means an area of land and yard improvements that are predominately used to play the game of golf. A golf course consists of a series of holes, each consisting of a teeing area, fairway, rough and other hazards, and the green with the pin and cup.
- (2) "Yard improvements" include a clubhouse,

**irrigation systems, a pro shop, a maintenance building, a driving range, restaurants, or other buildings associated with a golf course.**

(c) The true tax value of real property regularly used as a golf course is the valuation determined by applying the income capitalization appraisal approach. The income capitalization approach used to determine the true tax value of a golf course must:

- (1) incorporate an applicable income capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use;
- (2) provide for the uniform and equal assessment of golf courses of similar grade quality and play length; and
- (3) exclude the value of personal property, intangible property, and income derived from personal or intangible property.

(d) For assessment dates after January 15, 2010, and before March 1, 2012, a township assessor (if any) or the county assessor shall gather and process information from the owner of a golf course to carry out this section in accordance with the rules adopted by the department of local government finance under IC 4-22-2.

(e) For assessment dates after February 28, 2012, the department of local government finance shall, by rules adopted under IC 4-22-2, establish uniform income capitalization tables and procedures to be used for the assessment of golf courses. The department of local government finance may rely on analysis conducted by a state educational institution to develop the income capitalization tables and procedures required under this section. Assessing officials shall use the tables and procedures adopted by the department of local government finance to assess, reassess, and annually adjust the assessed value of golf courses.

(f) The department of local government finance may prescribe procedures, forms, and due dates for the collection from the owners or operators of golf courses of the necessary earnings, income, profits, losses, and expenditures data necessary to carry out this section. An owner or operator of a golf course shall comply with the procedures and reporting schedules prescribed by the department of local government finance."

Delete page 7.

Page 8, delete lines 1 through 13.

Page 106, delete lines 31 through 34.

Renumber all SECTIONS consecutively.

(Reference is to HB 1113 as printed January 27, 2020.)

LEONARD

Motion prevailed.

HOUSE MOTION  
(Amendment 1113-2)

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 71, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 46. IC 6-1.1-24-5.3, AS AMENDED BY P.L.149-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.3. (a) This section applies to the following:

(1) A person who:

- (A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and
- (B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

## (2) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and

(B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 that has resulted in a judgment in favor of the plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivision (1), (2), ~~or~~ (3), **or (5):**

(A) A partner of a partnership.

**(B) A member of a limited liability company.**~~(B) (C)~~ (C) An officer, **director**, or majority stockholder of a corporation.~~(C) (D)~~ (D) The person who **controls or** directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

## (5) A person who owes:

(A) delinquent taxes;

(B) special assessments;

(C) penalties;

(D) interest; or

(E) costs directly attributable to a prior tax sale;

on a tract or an item of real property listed under section 1 of this chapter.

(6) A person who owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in a vacant or abandoned structure subject to an enforcement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court order under IC 36-7-37.

(7) A person who is an agent of the person described in this subsection.

(b) A person subject to this section may not **bid on or** purchase a tract offered for sale under section 5 or 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(c) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale of a tract or item of real property listed under IC 6-1.1-24-1 from **bidding on or purchasing** tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication in favor of a political subdivision, any civil penalties imposed for the violation of a building code or county ordinance, or any civil penalties imposed by a county health department. **I also affirm that I am not purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale.** Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. In the event of forfeiture, the amount by which my bid exceeds the minimum bid on the tract or item or real property under IC 6-1.1-24-5(e), if any, shall be applied to the delinquent taxes, special assessments, penalties, interest,

costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive."

(d) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited, the county treasurer shall:

(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;

(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice, apply the surplus amount of the person's bid to the person's delinquent taxes, special assessments, penalties, and interest;

(3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the appropriate political subdivision; and

(4) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

(1) prepare a written statement explaining the reasons for declining to forfeit the sale; and

(2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor."

Page 96, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 74. IC 36-1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) This section applies to the following:

(1) A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under IC 6-1.1-24-1.

(2) A person who is an agent of the person described in subdivision (1).

**(3) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivision (1):****(A) A partner of a partnership.****(B) A member of a limited liability company.****(C) An officer, director, or majority stockholder of a corporation.****(D) The person who controls or directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.**(b) A person subject to this section may not **bid on**, purchase, receive, or lease a tract that is offered in a sale, exchange, or lease under this chapter.

(c) If a person purchases, receives, or leases a tract that the person was not eligible to purchase, receive, or lease under this section, the sale, transfer, or lease of the property is void and the county retains the interest in the tract it possessed before the sale, transfer, or lease of the tract."

Renumber all SECTIONS consecutively.

(Reference is to HB 1113 as printed January 27, 2020.)



## PRYOR

Upon request of Representatives Karickhoff and Torr, the Speaker ordered the roll of the House to be called. Roll Call 121: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION  
(Amendment 1113-1)

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 20, line 3, after "an assessment" insert "**that occurs following the sale of the property to a new owner or**".

(Reference is to HB 1113 as printed January 27, 2020.)

## DELANEY

Upon request of Representatives Lehman and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 122: yeas 86, nays 7. Motion prevailed. The bill was ordered engrossed.

**House Bill 1204**

Representative Cherry called down House Bill 1204 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1204-1)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-15.7, AS AMENDED BY P.L.213-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 15.7. (a) As used in this section, "account" refers to the state tuition reserve account.

(b) The state tuition reserve account is established for the following purposes:

(1) To fund a tuition support distribution under IC 20-43 whenever the budget director determines that state general fund cash balances are insufficient to cover the distribution.

(2) To meet revenue shortfalls whenever the budget director, after review by the budget committee, determines that state tax revenues available for deposit in the state general fund will be insufficient to fully fund tuition support distributions under IC 20-43 in any particular state fiscal year.

(c) The account consists of the following:

(1) Money appropriated to the account by the general assembly.

(2) Money transferred to the account under any law.

(3) **Subject to subsection (g)**, interest earned on the balance of the account.

(d) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(e) Money in the account at the end of a state fiscal year does not revert for any other purpose of the state general fund.

(f) The budget agency shall administer the account. Whenever the budget director makes a determination under subsection (b)(1) or (b)(2), the budget agency shall notify the auditor of state of the amount from the account to be used for state tuition support distributions. The auditor of state shall transfer the amount from the account to the state general fund. The amount transferred may be used only for the purposes of making state tuition support distributions under IC 20-43. If the amount is transferred under subsection (b)(1), the amount shall

be repaid to the account from the state general fund before the end of the state fiscal year in which the transfer is made.

**(g) This subsection applies to each state fiscal year beginning after June 30, 2019. There is annually appropriated to the secured school safety board established under IC 10-21-1-3 an amount equal to the interest or other investment income earned on money in the account during the state fiscal year from the account for its use in making additional or supplemental grants under IC 10-21-1. The budget agency shall transfer the interest or other investment income earned on money in the account during the state fiscal year to the Indiana secured school fund before June 30. In making grants from money appropriated under this subsection, the secured school safety board shall prioritize those applicants that have held a school safety referendum under IC 20-46-9 but failed to win approval for the question submitted to the voters in the referendum."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 27, 2020.)

PORTER

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

## APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that amendment House Bill 1204-1 violates House Rule 80. The amendment addresses school safety funding and is assuredly germane to the bill's subject matter of education funding as determined by the ADM count.

DVORAK  
PORTER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff. The question was, Shall the ruling of the Chair be sustained? Roll Call 123: yeas 63, nays 31. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION  
(Amendment 1204-2)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 20-43-2-1, AS AMENDED BY P.L.205-2013, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020] (RETROACTIVE)]: Sec. 1. The department shall distribute the amount appropriated by the general assembly for distribution as state tuition support in accordance with this article. ~~If the appropriations for distribution as state tuition support are more than required under this article, any excess shall revert to the state general fund.~~ The appropriations for state tuition support shall be made each state fiscal year under a schedule set by the budget agency and approved by the governor. However, the schedule must provide:

(1) for at least twelve (12) payments;

(2) that one (1) payment shall be made at least every forty (40) days; and

(3) the total of the payments in each state fiscal year must equal the amount required under this article.

SECTION 3. IC 20-43-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 9.**



If the budget director, after review by the budget committee, makes a determination that the amount of the distribution for a state fiscal year for all school corporations for the purposes described in section 3 of this chapter is less than the amount appropriated for these purposes for the state fiscal year, the difference is appropriated from the state general fund to the department for the department's use in providing supplemental distributions to increase the level of reimbursement for those reimbursement requests for assistance for curricular materials, supplies, or other required class fees that were submitted under IC 20-33-5 during the state fiscal year but which previously received a reimbursement that was less than the amount requested because funding was insufficient to pay the entire amount of the reimbursement request. The supplemental amount to distribute for a reimbursement request is an amount that bears the same ratio to the total amount to be distributed under this section for the state fiscal year as the previously unreimbursed amount for the reimbursement request bears to the total of the unreimbursed amounts for all the reimbursement requests received during the state fiscal year. The appropriation in this section is in addition to the appropriations for curricular material reimbursement that were made by P.L.108-2019 or any other law. The department shall make distributions under this section before the end of the state fiscal year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 27, 2020.)

PORTER

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that amendment House Bill 1204-2 violates House Rule 80. The amendment addresses the distribution of education funding and is assuredly germane to the bill's subject matter of education funding as determined by ADM count.

DVORAK  
PORTER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff. The question was, Shall the ruling of the Chair be sustained? Roll Call 124: yeas 61, nays 33. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

#### HOUSE MOTION (Amendment 1204-3)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.4-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 7. (a) At the conclusion of the state fiscal year beginning July 1, 2020, the auditor of state shall determine the total amount of money that reverted to the state general fund at the conclusion of the state fiscal year beginning July 1, 2020, from any account or fund.

(b) On July 1, 2021, there is appropriated from the state general fund to the pension stabilization fund established by section 5 of this chapter the greater of:

(1) an amount equal to:

(A) the amount determined under subsection (a); minus

(B) twenty-five million dollars (\$25,000,000); or

(2) zero dollars (\$0).

The amount appropriated under this subsection shall be held in the pension stabilization fund and invested and reinvested during the five (5) consecutive state fiscal years beginning July 1, 2021, in the manner that other money in the pension stabilization fund is invested and thereafter used for the purposes of the pension stabilization fund.

(c) After July 1, 2021, and before August 1, 2021, the auditor of state shall transfer the amount appropriated under subsection (b) from the state general fund to the pension stabilization fund established by section 5 of this chapter

(d) Each state fiscal year beginning after June 30, 2021, and beginning before July 1, 2026, there is annually appropriated to the department of education from the pension stabilization fund the interest and other investment income earned during the state fiscal year on the money appropriated under subsection (b) for the department of education's use in making supplemental distributions to school corporations in the manner that basic tuition support is distributed under IC 20-43-1. The amount that a school corporation is entitled to receive under this subsection bears the same ratio to the total amount appropriated under this subsection as the basic tuition support that the school corporation is entitled to receive for the state fiscal year as bears to the total amount appropriated for basic tuition support for all school corporations for the state fiscal year. School corporations that receive a supplemental distribution under this subsection are encouraged to use the supplemental distribution for teacher compensation."

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2020] (a) The following definitions apply throughout this SECTION:

(1) The definitions in IC 20-43-1.

(2) "Department" has the meaning set forth in IC 20-18-2-3.

(b) There is appropriated to the department two hundred million dollars (\$200,000,000) from the state general fund for distribution to school corporations in the manner prescribed under subsection (c) for the purpose of paying a one (1) time teacher retention supplemental bonus to the teachers employed in the school corporations.

(c) The amount that a school corporation is entitled to receive under this SECTION bears the same ratio to the amount appropriated under subsection (b) as the basic tuition support that the school corporation is entitled to receive beginning July 1, 2019, and ending July 30, 2020, bears to the total amount appropriated for basic tuition support for all school corporations beginning July 1, 2019, and ending June 30, 2020.

(d) The governing body of a school corporation that receives a distribution under this SECTION shall, before August 1, 2020, pay each teacher employed by the school corporation or charter school on April 1, 2020, a one (1) time teacher retention supplemental bonus equal to an amount that bears the same ratio to the distribution received by the school corporation under this SECTION as the teacher's salary for the pay period including April 1, 2020, bears to the total amount of the salaries paid by the school corporation to teachers for the pay period including April 1, 2020.

(e) The amount actually paid to a teacher under subsection (d) may be reduced accordingly to account for employer taxes, pension contributions, and similar employer paid items associated with the payment of teacher salaries.

(f) Amounts distributed under this SECTION are to be treated as special distributions and may not be used in determining teacher compensation in subsequent collective bargaining negotiations.

(g) This SECTION expires January 1, 2021.

SECTION 8. [EFFECTIVE AUGUST 1, 2020] (a) There is appropriated to the prekindergarten pilot program fund established by IC 12-17.2-7.2-13.5 fifty million dollars (\$50,000,000) from the state general fund for the use of the office of the secretary of family and social services in providing grants to eligible children for qualified early education services under IC 12-17.2-7.2.

(b) The money appropriated in subsection (a) is in addition to any other appropriations for the early education grant pilot program under IC 12-17.2-7.2 that were made by P.L.108-2019 or any other act.

(c) This SECTION expires January 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 27, 2020.)

PORTER

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### HOUSE MOTION

(Amendment 1204-6)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 6. IC 20-49-10-4, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 4. (a) The school corporation and charter school safety advance program is established. The purpose of the program is to make advances to school corporations or charter schools (or one (1) or more coalitions of public schools applying jointly) for equipment purchases or capital improvements necessary to improve school security.

(b) The state board, in consultation with the secured school safety board established by IC 10-21-1-3, shall administer the program.

(c) The total amount of advances that the state board may make under this chapter ~~during the state biennium~~ beginning July 1, 2017, and ending June 30, ~~2019~~, 2021, may not exceed thirty-five million dollars (\$35,000,000).

SECTION 7. IC 20-49-10-5, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 5. (a) Advances made under this chapter may be used to:

(1) purchase equipment or make capital improvements needed to:

(1) (A) restrict access to schools;

(2) (B) expedite the notification of first responders; or

(3) (C) improve school security; and

(2) provide relief to stressed school corporations (as defined in section 6.5 of this chapter).

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed:

(1) five hundred thousand dollars (\$500,000), for the purpose described in subsection (a)(1); or

(2) one million dollars (\$1,000,000), for the purpose described subsection (a)(2).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

(1) the maximum amount of an advance that may be awarded as established by subsection (b); (b)(1); or

(2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under IC 10-21-1-4 and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the grant under IC 10-21-1-5.

SECTION 8. IC 20-49-10-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 6.5. (a) As used in this section, "stressed school corporation" means a school corporation that has a loss of property tax revenue for a calendar year in excess of twenty percent (20%) of the school corporation's property tax levy for the calendar year that is attributable to property tax credits granted under IC 6-1.1-20.6.

(b) If the sum of the amounts that have been advanced or otherwise obligated for advances from the fund for the purpose described in section 5(a)(1) of this chapter does not exceed twenty million dollars (\$20,000,000), a stressed school corporation may submit an application to the state board for an advance from the fund for the purpose described in section 5(a)(2) of this chapter in the manner prescribed by the state board.

(c) The total amount of advances to all stressed school corporations under this section may not exceed twenty-five million dollars (\$25,000,000)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 27, 2020.)

BECK

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### HOUSE MOTION

(Amendment 1204-7)

Mr. Speaker: I move that House Bill 1204

be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-18-2-26.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26.5. "Virtual charter school" has the meaning set forth in IC 20-24-1-10.

SECTION 2. IC 20-19-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) Not later than November 1, 2020, the department shall establish standards concerning the following:

(1) The minimum amount of time that a student of a virtual charter school must participate in educational activities provided by the virtual charter school each semester of the school year.

(2) Requirements that a student of a virtual charter school participate in the statewide assessment or an alternate assessment, as applicable.

The department may establish different minimum amounts of time under subdivision (1) for the different semesters of the school year.

(b) The department:

(1) may adopt emergency rules under IC 4-22-2-37.1; and

(2) shall adopt rules under IC 4-22-2;

to implement this section.

SECTION 3. IC 20-24-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Beginning January 1, 2021, if a student of a virtual charter school fails, in a

semester, to meet the minimum standards for educational activity or requirements for participation in the statewide assessment or an alternate assessment, as applicable, established by the department under IC 20-19-3-21, the student must be withdrawn from enrollment in the virtual charter school.

(b) A student withdrawn from enrollment under subsection (a) may not reenroll in the virtual charter school or enroll in another virtual charter school in Indiana.

SECTION 4. IC 20-24-7-13.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.3. (a) As used in this section, "current ADM" has the meaning set forth in IC 20-43-1-10.

(b) Beginning January 1, 2021, an organizer of a virtual charter school shall submit at the end of each semester to the department, in a manner and by a day prescribed by the department:

(1) the amount of time each student spent participating in educational activities provided by the virtual charter school each semester; and

(2) each student's participation in the statewide assessment or an alternate assessment, as applicable.

(c) Beginning January 1, 2021, if one (1) or more students of a virtual charter school fail, in a semester, to meet the minimum standards for educational activity or participation in the statewide assessment or an alternate assessment, as applicable, established by the department under IC 20-19-3-21, the department shall reduce the amount of state tuition support distributed to the virtual charter school for the school year by the amount determined for the semester under STEP THREE of the following formula:

STEP ONE: Determine the total amount of state tuition support the virtual charter school received for the applicable semester.

STEP TWO: Divide the result determined under STEP ONE by the current ADM for the virtual charter school.

STEP THREE: Multiply the result of STEP TWO by the number of students of the virtual charter school who failed, in the applicable semester, to meet the minimum standards for educational activity or participation in the assessment or alternate assessment, as applicable, established by the department under IC 20-19-3-21.

(d) The department shall settle any reduction in state tuition support distribution for a virtual charter school under this section on a schedule determined by the department and approved by the budget agency."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 27, 2020.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative DeLaney. Motion 7. Upon request of Representatives Karickhoff and Torr, the Speaker ordered the roll of the House to be called. Roll Call 125: yeas 93, nays 0. Motion prevailed. The bill was ordered engrossed.

#### House Bill 1265

Representative Jackson called down House Bill 1265 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1265-1)

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Page 1, line 4, delete "located".

Page 1, line 5, delete "in Lake County".

Page 2, delete lines 9 through 25.

(Reference is to HB 1265 Digest Correction as printed January 24, 2020.)

ERRINGTON

Upon request of Representatives Karickhoff and Porter, the Speaker ordered the roll of the House to be called. Roll Call 126: yeas 96, nays 0. Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

#### HOUSE MOTION (Amendment 1265-8)

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Page 1, line 4, after "subsection (b)," insert "each person or entity having authority over a school building shall test".

Page 1, line 4, delete "in every school building located".

Page 1, line 5, delete "in Lake County shall be tested" and insert "in the school building".

Page 1, line 9, delete "The" and insert "A person or entity having authority over a school building that is subject to testing under this section satisfies the".

Page 1, line 9, delete "is satisfied".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(d) Each person or entity having authority over a school building that is subject to testing under this section shall seek any state and federal grant money available for lead sampling or testing, including any money available under the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority."

Page 2, delete lines 9 through 25.

(Reference is to HB 1265 Digest Correction as printed January 24, 2020.)

JACKSON

Upon request of Representatives Torr and Burton, the Speaker ordered the roll of the House to be called. Roll Call 127: yeas 92, nays 0. Motion prevailed. The bill was ordered engrossed.

#### House Bill 1317

Representative Kirchhofer called down House Bill 1317 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1317-1)

Mr. Speaker: I move that House Bill 1317 be amended to read as follows:

Page 32, delete lines 21 through 24.

(Reference is to HB 1317 as printed January 27, 2020.)

KIRCHHOFFER

Motion prevailed. The bill was ordered engrossed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1070

Representative Sullivan called down Engrossed House Bill 1070 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 86, nays 10. The bill was declared

passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Crider.

### Engrossed House Bill 1165

Representative Burton called down Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 64, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Sandlin.

Representative Saunders, who had been present, is now excused.

### Engrossed House Bill 1225

Representative McNamara called down Engrossed House Bill 1225 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 85, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Becker.

### Engrossed House Bill 1403

Representative Wolkins called down Engrossed House Bill 1403 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Messmer.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 17, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 17 as printed January 27, 2020.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 18, has had

the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 18 as printed January 27, 2020.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SC 4 as printed January 27, 2020.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 6, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SC 6 as printed January 27, 2020.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

### MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On January 29, 2020, I signed into law House Enrolled Acts 1007.

ERIC HOLCOMB  
Governor

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Candelaria Reardon be added as coauthor of House Bill 1070.

SULLIVAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1113.

LEONARD

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1174.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fleming be added as coauthor of House Bill 1326.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Chyung be added as coauthor of House Bill 1353.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as coauthor of House Bill 1403.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as coauthor of House Concurrent Resolution 12.

BARTLETT

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 8, 9, 12, 20, 23, 47, 50, 61, 66, 67, 68, 78, 83, 100, 115, 132, 144, 180, 192, 195, 197, 200, 226, 229, 237, 246, 249, 254, 257, 267, 307 and 366 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1007 and the same is herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 4, 6, 10, 16, 17, 18, 21 and 22 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 9, 10, 12, 14 and 19 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Karickhoff, the House adjourned at 4:13 p.m., this twenty-ninth day of January, 2020, until Thursday, January 30, 2020, at 10:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives